

**Schulz, Kirsten A (London)**

RELEASED IN FULL

From: Norman, Marc E(S/CT)  
 Sent: Friday, January 13, 2006 5:04 PM  
 To: Schulz, Kirsten A(London)  
 Subject: Rendition TPS

R 337

Here are talking point cleared by L, used by Dan in Austria today, and will be used by Kurt on his trip next week.  
 Thanks. Feel free to call if any questions or comments.  
 Colleen

Colleen P. Graffy  
 Deputy Assistant Secretary of State  
 for Public Diplomacy  
 Bureau of European and Eurasian Affairs  
 Tel. 202 647 6402  
 Fax 202 647 5644

Media in London For Amb. Crumpton:

This is an opportunity to echo the Secretary's points that these are complicated issues that merit serious and thoughtful discussion, and that any such discussion must recognize the responsibility of states to protect its populace from the threat of terrorism using all the tools at its disposal.

Talking Points:

- \* We agree that this is a serious issue that deserves serious consideration. We recognize that there are concerns.
- \* We believe that the current debate in Europe fails to recognize the complexity of the threat posed by transnational terrorism.
- \* We are engaged in a difficult struggle against transnational terrorists, and it is right to use all our tools in this fight. This should be defended.
- \* No one should be surprised that intelligence agencies, both in America and around the world, engage in intelligence gathering activities, and these activities gather potentially significant, life-saving intelligence. There is excellent cooperation among our intelligence agencies.
- \* The al Qaida terrorists we fight have turned war and the customary rules of engagement upside down. Their goal is not to attack combatants but to kill non-combatants.
- \* As a legal matter, we believe we are in a state of armed conflict with al Qaida. Al Qaida leaders and members have said as much. For example, one of the London bombers stated "We are in a war with you, and I am a soldier in that war." In these circumstances, we do not believe traditional criminal law rules are sufficient to address the problem.
- \* Under the traditional laws of war, we believe the capture, detention, transfer and questioning of terrorists is justified.
- \* With respect to detainees, the United States Government complies with its Constitution, its laws and its treaty obligations.

# UNCLASSIFIED

\* The United States has been clear in describing its position on torture: U.S. criminal law and treaty obligations already prohibited torture, and the United States does not engage or condone torture anywhere. We have also stated that as a matter of policy the U.S. does not authorize interrogations involving cruel, inhuman, or degrading treatment, as defined by U.S. obligations under the UN Convention Against Torture, regardless of where those interrogations may occur.

\* The recently-enacted McCain legislation, which represents constructive cooperation between the executive branch and Congress and which received strong bipartisan approach, made this policy on cruel, inhuman or degrading treatment a matter of U.S. law and sends an important message underscoring that the United States upholds the values of freedom and humanity on which it was founded.

\* The legislation strikes an appropriate balance. It:

- 1 respects the authority of the President to take steps necessary to defend the homeland;
- 2 codifies existing administration policies related to the treatment of detainees;
- 3 clarifies the standards of judicial review that will be available to detainees; and
- 4 establishes important and necessary protections for U.S. personnel who, at great personal risk, are on the front lines in the war against terrorism.

\* Our detention policy, and the recently enacted McCain legislation, demonstrate common values we hold with Europe.

\* In moving forward in our dialogue on these issues, Europe needs to know that the United States fully understands that these are difficult issues and that differences remain.

\* But we would ask that EU countries will promote more balanced debates within their own countries in the future by recognizing several points:

\* We are all facing a serious terrorist threat, and it is necessary and appropriate in many circumstances to use force to confront this threat;

1 Military and intelligence tools are vital and should be defended; our publics expect their governments to take aggressive actions to defend them against terrorist attacks.

2 The current blanket criticism of U.S. practices - which is based largely on misperceptions of U.S. practices and not facts - must be replaced by a more rigorous and responsible dialogue. Many of the allegations being made against the United States are absurd.

## IF ASKED ON RENDITIONS/SECRET SITES:

\* All governments have a responsibility to protect their citizens from harm. The United States works cooperatively with countries around the world to achieve this objective.

\* We are working closely with allies and partners in Europe and globally to protect our citizens against a vicious terrorism adversary.

\* The war on terrorism sometimes involves the capture, detention and questioning of terrorists. We must question them to gather potentially significant, life-saving intelligence.

\* Our law enforcement and intelligence cooperation has resulted in foiling a number of deadly plots against cities and citizens in Europe and elsewhere.

## UNCLASSIFIED

- \* As Secretary Rice and CIA Director Goss have recently stated, U.S. intelligence agencies have handled the gathering of intelligence from a very small number of extremely dangerous detainees, including individuals who planned the 9/11 attacks.
- \* The questioning is to be conducted within U.S. law and treaty obligations, without using torture.
- \* We will not confirm or deny specific intelligence activities; we cannot discuss information that could compromise the success of intelligence, law enforcement, and military operations.
- \* No one should be surprised that intelligence agencies, both in America and around the world, engage in intelligence gathering activities.
- \* With respect to detainees, the United States Government complies with its constitution, its laws and its treaty obligations. The United States does not commit, authorize, or condone torture. Recent U.S. legislation further codifies on a worldwide basis existing U.S. policy against cruel, inhuman or degrading treatment or punishment.
- \* Where there have been cases of unlawful treatment of detainees, the U.S. has vigorously investigated and, where the facts warranted it, prosecuted and punished those responsible.
- \* The United States does not transport detainees from one country to another for the purpose of interrogation by torture and has not used the airspace or airports of any country for the purpose of transporting a detainee to a country where he will be tortured.
- \* The United States has not transported anyone, and will not transport anyone, to a country when we believe he will be tortured. Where appropriate, the United States seeks assurances that transferred persons will not be tortured.
- \* In conducting renditions, this administration has respected and will continue to respect the sovereignty of other countries.